

**DURHAM, NORTH CAROLINA  
MONDAY, FEBRUARY 5, 2018  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Councilmembers Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, Acting City Clerk Diana Schreiber and Senior Executive Assistant Tonette Amos.

Mayor Schewel called the meeting to order; welcomed all in attendance; and called for a moment of silent meditation.

The Pledge of Allegiance was led by former Council Member Eddie Davis and Council Member Reece.

Mayor Schewel delivered the following State of the City Address:

### **State of the City 2018**

I want to welcome all of you here tonight to this meeting of the Durham City Council and to this State of the City address. I want to begin where I began just two months ago when I was sworn in as mayor of this great city. During the long political campaign this past year, this community came together to forge a vision of our common future, and here is that vision: We, the people of Durham, envision a prosperous, innovative, green and welcoming city that thrives on diversity and difference, a city that puts racial and economic justice at the top of our civic agenda, that defends the vulnerable among us, that cherishes robust, respectful debate on difficult questions, that embraces non-violence, that embodies the belief that all residents must have an opportunity to share in our newfound prosperity, a city that serves as a progressive beacon for the South and the nation.

It is our job—not just the city council, not even mostly the city council—but all of us in this room and in this city—to make that vision real.

I want to dwell for just a moment on the fact that we are getting precious little help from our state legislature or our federal government in realizing this vision. There is a hard truth we must face: Despite our best efforts, Durham will not reach its true greatness while our state government weakens environmental protections, drops teacher pay to the bottom of the heap, refuses to expand Medicaid, attacks the right to vote, and snatches away the powers of cities to determine our own future. We will not reach our true greatness while our federal government cuts housing funding to the bone, undercuts our public schools, and strikes fear in the hearts of our immigrant and refugee families.

We have to know that. We have to stare that reality in the face.

But okay, that's enough of that. Once we have stared that reality in the face, we have to put it aside—and get to work here at home.

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I am out in this community every day. I've talked with hundreds of people since becoming Mayor and I know what they want.

Okay, true, the first thing they want is a selfie with me—which is the most fun thing I do, so keep those selfies coming.

What the people want is for Durham to go it alone if necessary to realize our common vision, to become that progressive beacon for the south and the nation, and they want an agenda for action.

Tonight, it is my privilege to lay out that agenda.

First, the people of Durham want local government that works, that is effective, that performs the basic services very, very well and pushes every day to improve them. What I can report from my six years on the City Council is that Durham's 2,500 employees are doing this work at an exceptionally high level.

As I said at my swearing in, we must not take this for granted.

In an age where government is constantly under attack, it is our job as a City Council to defend the institutions of local government.

Government in Durham is good government. Our employees are working hard every day to pave our streets, improve the quality of our lakes and streams, respond to fires, keep us safe from gun violence, build new sidewalks and trails, and provide safe, clean water in whatever quantity you want whenever you turn on the tap. They do this with a constant eye on your tax dollars, and by and large our employees do a tremendous job.

The Mayor and City Council directly hire only three people. We hire our city clerk, and I want to especially thank tonight our Acting City Clerk, Diana Schreiber, who has done an excellent job filling that role over the past month. We hire our city attorney, Patrick Baker, whose office does a superb job protecting our city and advancing our interests. And we hire our city manager, Tom Bonfield. Tom, I want to thank you publicly here tonight for the exceptionally high quality of our workforce and the job they do every day. Both you and Patrick have my full confidence and support. We are so lucky to have you both.

And while great management is critical, it is the people working on the front line who really make our city go, and I want to introduce a few of them tonight.

From the Public Works Department maintenance division, I would ask administrative coordinator Yvonne Scoggins to stand. During the recent ice and snow, Ms. Scoggins worked literally day and night to assist our maintenance staff with any support that they needed. She booked hotels for staff, made arrangements for food for each shift, and handled phone calls—

all

of this while her daughter was in and out of the hospital sick with the flu. Ms. Scoggins, your dedication to your colleagues is impressive, and on behalf of the people of this city I offer you our gratitude.

From the Solid Waste Department, I would ask Michael Cox and Bobby Henry to stand. Both of these men, too, performed exemplary service during the recent snow storm, which put enormous pressure on the department and its employees. Mr. Cox normally works picking up

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bulky items, and Mr. Henry usually works in the Yard Waste Division, but during the snow storm these two men volunteered to come in to assist with the collection of trash and recycling. Both of these men worked all weekend to get the job done for the rest of us.

Fortunately, one of our alert Durham residents, Mr. Todd Pagden, spotted Mr. Cox performing an exceptional service and tweeted about it. Addressing City government, Mr. Pagden tweeted, "A member of your waste management team went beyond the call of duty. Can't get the truck down hill, so he went by hand." This tweet was accompanied by a photo of Mr. Cox pulling a roll-out cart up an icy street to the truck parked at the top of the hill.

I'm happy to report that Mr. Pagden is here with us tonight, and I hope you and Mr. Cox will be able to shake hands later this evening.

Finally, from our General Service Department's Cemetery Division I would ask Michael Reynolds and James Herring to stand. Both of these men work with people who are experiencing devastating loss. Mr. Reynolds and Mr. Herring on a daily basis witness the emotions of those who have lost a spouse, a parent or a child, and they are present when distraught families leave the cemetery as their loved ones are being buried. What very few people know about these two men is that they are frequently called upon to assist grieving families in a way that is far beyond their normal job duties. That is, they are often called upon to be pallbearers, to perform a remarkable act of kindness by helping a grieving family carry their loved one to a final resting place. Mr. Reynolds and Mr. Herring, we thank you and we salute you.

You are the men and women who are on the frontlines of City government every day, and we are so lucky to have you.

In addition to effective and timely government, our residents want innovative government. And I observe Durham City government constantly pushing to improve. Let me give you just one example, one that isn't glamorous but is very dear to my heart. Our Solid Waste Department, under the leadership of Director Donald Long, is constantly taking quiet steps to increase our recycling, decrease what goes into the waste stream, and cut down on taxpayers' expense for shipping our waste.

This year, new solid waste customers will be receiving 65-gallon trash carts and 95-gallon recycling carts to encourage more recycling. At the Department's first Re-use Rodeo this past spring, Durham residents recycled 12,000 pounds of clothing, furniture, toys and books which went to TROSA, the Habitat Restore, the Scrap Exchange and Welcome Baby.

And the most exciting innovation of all to me is the upcoming unveiling of our pilot organics recycling program. Durham is required to ship our waste and we pay by the pound to do it. Food makes up more than a quarter of our waste stream. Our pilot permit allows us to compost 3,000 tons of food waste and 5,000 tons of yard waste. I am confident we can make this pilot work, and when we do, we can expand food waste collection city-wide and begin a serious municipal composting operation.

Along with effective and innovative government, our residents want us to take care of our civic assets. Unfortunately, we can anticipate precious little help on this from Washington despite the political rhetoric, so in Durham we're taking care of it ourselves.

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Our Water Management Department is in the midst of an enormous infrastructure program financed by your water bills. Over the next five years, we have programmed more than \$376 million on water and sewer infrastructure projects to insure that that we have a sustainable water supply for our community for the next 100 years.

We're also paving 38 lane miles of streets this year and we've got nearly \$40 million worth of sidewalk and bike lane projects in the works, including projects on NC-751, Old Durham-Chapel Hill Road, Hillandale Road, Fayetteville Street, Alston Avenue, Avondale Drive, LaSalle Street, North Roxboro Road and so many more.

The downtown rail line which will soon become the 2-mile Beltline Trail is in our possession now and the planning for this crown jewel of our trail system is well under way. We need to be adding two miles per year to our trail system for the next 10 years and we must establish a pipeline and funding stream to make that happen.

Also on the infrastructure front, I want to talk about our tree canopy. Durham is fortunate that we are a City in the shade—not to be confused with a shady city. That is, 52% of our land area is shaded, which is a very high number. There are two problems with this, however. First, our tree canopy is rapidly diminishing through development and as some 6,000 large pin oaks, planted 80 and 90 years ago, are reaching the end of their natural lives. In addition, our tree canopy is inequitably distributed. If you look at the maps of the 1930's that red-lined African-American neighborhoods out of qualifying for mortgages, those same neighborhoods are largely bereft of tree canopy.

I believe deeply that trees, like streets and water mains, are a critical public asset. Trees are the foundation of beautiful, healthy neighborhoods. Durham needs to plant 60,000 trees in the next 20 years and I am calling on our residents tonight to help us do that. An impressive non-profit organization in Charlotte has led that city's tree planting in concert with city government there, and Charlotte's businesses, churches and civic clubs have pitched in to a vital civic effort to replenish their tree canopy.

We are going to do the same thing here in Durham. Local tree advocates have formed a new non-profit organization, TreesDurham, which will work with the City and Keep Durham Beautiful to mobilize the same kind of civic commitment to replenishing our tree canopy that Charlotte has enjoyed.

In the coming weeks and months, I will be seeking the support of business partners to anchor the work of TreesDurham so that we can activate the people of Durham who are ready to plant trees.

And then there is the biggest infrastructure project in the history of North Carolina that we can finally begin to feel just within our grasp. The Durham-Orange Light Rail is an 18-mile, 18-station rail line running from NCCU to downtown Durham to Duke Hospital and eventually all the way to UNC Hospital, connecting the largest employers in our region along the busiest roads in our region. This is a \$2.5 billion project, half of it to be paid for by the federal government if we can jump over the last couple of hurdles. The president's infrastructure plans could kill the project, it's true. But I think it much more likely that our herculean local efforts over the past decade will finally result in the approval of this light rail line, and then of the commuter rail line to Raleigh.

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If not, when there are 140,000 more people living in Durham alone 20 years from now, we will be stuck in gridlock forever on 15-501 and I-40. We need this light rail line to assure a reasonable quality of life for our children and grandchildren. That's why I work on it a lot.

In addition to government that is effective and innovative and provides superb infrastructure, we need government that is transparent and accessible. I am constantly impressed by the level of transparency of Durham's government, especially during times of controversy.

But despite our best efforts, there are still many people who feel left out of any direct participation in Durham's local government. To remedy that, we will be asking our City staff to spend the next fiscal year planning for a process of participatory budgeting which will aim to bring thousands of people into direct participation in our budget, especially those who have been historically disenfranchised. I want to thank particularly Mayor Pro Tem Jillian Johnson for her pro-active work on this issue as well as our remarkable Budget Director Bertha Johnson and her staff for taking up this challenge. I know we can do participatory budgeting in Durham, and I know we can do it well.

So far tonight, I have been talking about aspects of local government that usually fly below the radar. Now I want to turn to elements of our agenda for action which are top-of-mind in our civic culture and I want to start with affordable housing.

Let me begin by explaining the magnitude of the problem. 15,000 households in Durham are what are called "severely housing burdened." That is, they are paying more than 50% of their income for housing. And half of those families are living on income of less than \$20,000 per year for a family of four. Now think a minute about your family and imagine trying to live on that. And then you will understand Durham's affordable housing challenge.

What's more, twenty people are moving to Durham every day—enough to fill up one of those new four-story apartment buildings every single month. The Washington Post just published an article about the fastest growing cities in the nation during the past five years. Looking at per capita growth, there are only three cities in the country which had more in-migrants than Durham in that time.

There is a lot to like about that. People want to move here because we have a wonderful quality of life, something we should all be very proud of. What's more, Durham is unusual because we are among the top ten cities in the nation in attracting whites, blacks and Asians alike. That's an incredible tribute to our embrace of all people.

But all that in-migration is driving gentrification with tremendous speed and power. I want to say clearly that we cannot stop those market forces. But we can make a difference with a strong program of affordable housing and I want to tell you how.

First, I want to tell you what we're doing now, because the City Council has been working hard on this issue for the past several years.

We have subsidized 140 affordable rental units in the mixed-income Lofts at Southside on South Roxboro Road.

We have supported the Durham Housing Authority in its redevelopment of 336 units at Damar Court and Morreene Road communities to keep them permanently affordable.

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The Housing Authority has built the 20-unit Goley Point affordable housing community, including 12 units for formerly homeless people with disabilities.

CASA has built the 22 unit Denson Apartments on Guess Road to house homeless veterans and recently purchased 70 units on Maplewood to keep them permanently affordable as well, all of this with the financial support of the City.

With the City's support, the Durham Community Land Trustees has renovated nine affordable rental units on Piedmont Street, the Whitted School has been redeveloped with 79 affordable units for seniors, and Housing for New Hope's Rapid Rehousing program found homes for 184 homeless families last year.

Also during this past year, the federal government certified Durham as having effectively ended veterans' homelessness. That is, if a veteran becomes homeless in Durham and reports him or herself to the VA, that veteran will be re-housed within 30 days.

Last year as well, the City funded the Housing Authority's \$4 million purchase of the 19-acre Fayette Place site at the top of Fayetteville Street—the eventual home of affordable housing along with jobs for the people who live there.

And two months ago, the Council voted to provide two free acres of land next to the Durham Station and up to \$3.8 million to support the construction of 80 affordable units on this key downtown site.

Adding up the Durham Housing Authority budget, the redevelopment budgets for Damar Court and Morreene Road communities and the City's expenditures on other projects, more than \$80 million will be spent in Durham in 2018 to support the construction and maintenance of affordable housing. All of this is leveraged by you, the taxpayer, by a two-cent levy of the tax rate. That is, if you own a \$200,000 house in Durham, you are paying \$40 per year in taxes to help build a home for someone else and you are leveraging all that investment.

So we're doing a lot, but we need to do more.

With limited resources and limitless need, we must focus on the most critical goals. And the most critical goal is to support the Durham Housing Authority in its redevelopment efforts. I will tell you that every other affordable housing strategy pales in importance when compared to this one. Why? DHA's 14 public housing communities and their housing choice vouchers together offer subsidized housing to 12,000 people, or one out of every 20 people in Durham, and the average income of a housing authority family is just \$13,000 per year. So if the Housing Authority doesn't succeed, nothing else we do to increase affordable housing in Durham will matter. This is where the big numbers are and these are our neediest citizens.

The Durham Housing Authority has taken on the challenge of aggressively redeveloping its aging properties beginning this year with the 336 units at Damar Court and Morreene Road.

But there are several other large DHA housing communities, and it will take millions to develop them. Much of this money will be private capital or tax credit equity, but to leverage those funds, the Housing Authority will need the financial support of the City, and it is critically important that we provide that funding.

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Further, as we redevelop the largest Housing Authority properties over the next few years, we must strive to make them mixed income communities. Right now the nearly 1,000 residents of McDougald Terrace, for example, are bearing the double burden of poverty. Not only are they poor, but nearly everyone around them is poor as well. So there are no community resources available to help everybody rise.

I believe we can develop these mixed income communities and it is morally imperative—and it is the law—that anyone who lives in those communities now will be able to continue to live there after redevelopment. We can do this. It will be hard, but we can do it.

We can also do something else hard on the housing front: We can end children's homelessness in Durham in the next few years, and we can provide significantly more permanent supportive housing for our chronically homeless population.

I will be meeting soon with our homeless service providers to map out a strategy for ending children's homelessness. Unlike for homeless veterans, the federal government provides no vouchers for families with children. So we've got to do it ourselves – the Durham Way. Let's take on this challenge as only Durham can.

The recent difficult situation with the homeless encampment in downtown Durham just off of Highway 147 points out the need for more permanent supportive housing for those homeless people living outside, most of them with mental health and addiction challenges. We have affordable housing developers who are prepared to build these homes with the support of City funds. But what we don't have now is the ability to provide the supportive services that will really make these homes permanent. To that end, I will be convening discussions soon with County government and Alliance, our local mental health manager. We'll get the housing built if they will provide the services. Again, we can do this in Durham.

We have other critical affordable housing goals as well. We must use publicly owned land in Downtown to leverage affordable housing. We must develop an effective strategy for inducing developers to contribute to our affordable housing since state law prevents us from requiring their participation. We must help low-income homeowners affected by gentrification stay in their homes.

We must fund the work of our outstanding non-profits including CASA, Habitat for Humanity and the Durham Community Land Trustees which recently purchased 54 units in East Durham which it needs to renovate. We must support this work so that these units can be kept permanently affordable.

I want to mention one more affordable housing project as well and that is the teacher housing proposal that is now before our county commissioners. This effort is a partnership among Durham Public Schools, which is donating the land, CASA, the non-profit which will manage and own the housing, and the State Employees Credit Union Foundation which is providing a zero-interest loan to support the project. The result will be 24 units of rental housing for new public school teachers right across from Lowe's Grove Middle School. This housing will be rented at well below market rents, and it will be a terrific teacher recruiting tool for our public schools. Right now the remaining obstacle is county approval of transfer of the land to CASA, and I urge our County Commissioners to act on this soon. This is affordable housing for teachers that requires no City funding and no County funding. Let's make this happen.

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As this massive affordable housing agenda moves forward, it will require more taxpayer funding. I believe we are close to the time when we will need a bond issue to fund redevelopment of one or more of the Housing Authority communities, and I will look to our City administration for their advice on this timing.

In addition, I am thrilled to announce publicly tonight some important quiet work that has been going on during the past few months. Dr. Phail Wynn, vice-president for Durham and Regional Affairs at Duke University, has brought together financial institutions, non-profit housing developers and City staff to work toward the creation of a public-private partnership to support an affordable housing trust fund in Durham. It is my hope and belief that we can create such a fund capitalized with at least \$15 million with the City to provide 10 percent of the funds in risk capital, and the rest of the funds to come through very low- or zero-interest loan funds from the university and the private sector.

Dr. Wynn is here tonight, and sir, I would ask you to please rise. Dr. Wynn, you are retiring this year from Duke, and I want to thank you publicly for your remarkable service to our community in so many roles. You already leave an outsized legacy, but it is my fervent hope that this housing trust fund will be the crowning achievement of that legacy. Thank you for your leadership.

Taking on the affordable housing issue in Durham is a moral imperative. Our embrace of our most vulnerable communities carries that same moral force. To that end, I want to repeat the words I spoke on the night I was sworn in as your Mayor because I don't think I can improve upon them.

First, if you are a refugee who has come to this country in flight from Somalia or Iraq or Syria, we welcome you here in Durham with open arms. If you are a gender, non-conforming kid who's trying to figure it out, we embrace you here in Durham. We want you and we love you. If you are a member of the Islamic faith, under attack by our President, know that you have a welcoming home here in Durham. If you are a transgender person, come to Durham. We just don't care what bathroom you choose.

And I want to speak especially today to the members of our Latinx community. I'm going to start with a song that I learned in Sunday school when I was a kid, a poem by the Jewish poet Emma Lazarus set to music, and it goes like this:

Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shores.  
Send these, the homeless, tempest-tossed to me,  
I lift my lamp beside the golden door.

These words, as you know, are inscribed at the base of the Statue of Liberty, she who lifts her lamp beside the golden door—the door which my great-grandparents came through as they entered this country.

Today in Durham, two church congregations are keeping the Golden Door open. For the past seven months, St. Johns Missionary Baptist Church and the School for Conversion have been hosting Pastor Jose Chicas in sanctuary. And for the past two months, Samuel Oliver-Bruno has been in sanctuary at CityWell United Methodist Church.



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Both of these men have been threatened with deportation back to dangerous situations in their country of origin. Both have loving families here. Both are constructive members of our community.

While ICE agents have the legal authority to enter a church to apprehend someone, to date ICE has not invaded the sanctity of a church to make an arrest.

And so these two church congregations, in an act of commitment and courage, have chosen to offer sanctuary to these two good men.

This is hard work. Members of the congregations and of the broader community are helping to provide meals, laundry service, and a constant hosting presence at the church. A network of church members and neighbors have signed on to peacefully respond if ICE ever shows up.

There are 40 immigrants in church sanctuary across the United States. Two of them are here in Durham.

The families of Senor Oliver-Bruno and Pastor Chicas are here with us tonight. Julia, Daniel, Sandra, Ezekiel, Oscar, Darwin— Por favor, levantarse.

Mis amigos, son bienvenidos en Durham. Damos la bienvenida a sus esposos y padres mientras buscan santuario en nuestra ciudad. Honramos a las iglesias que les ofrecen refugio, los alimentan y los apoyan. Te honramos por tu valor. Te damos la bienvenida a Durham con los brazos abiertos y corazones abiertos.

In Durham, we welcome you with open arms and open hearts. Gracias!

We also honor those inside City Hall and outside who are doing the day-to-day work of welcoming our immigrant neighbors and bringing them out of the shadows. I thank El Centro Hispano under the leadership of Pilar Rocha-Goldberg for implementing the Faith ID that is now held by 3,000 of our undocumented neighbors and I thank our Police Department, public schools and other agencies for recognizing that ID. Chief Davis, I thank you for your humane and sensible policy on traffic checkpoints and for your recent reform of our U-Visa Certification policies which I believe will help keep our city safer and help those undocumented immigrants who assist in the solution of violent crime find a permanent home in this country.

I thank our newest Council Member, Javiera Caballero, for taking initiative in her first few weeks in office to begin to educate all of us in local government about how we can improve Spanish language access for all. And I thank my Council colleagues for appointing Javiera whom I believe to be the first Latina office-holder in our City's history. As we review the state of our city tonight, this is a moment in which we can all take pride.

At the same time as we search for immigrant justice, we keep the need for racial justice ever at the forefront of our work. As we know so well, the enslavement of African-Americans is our great national sin, its legacy still with us, an open wound we all must strive to heal. Black Lives Matter, and we must work every day to make sure they matter here in Durham.

I will say on behalf of my city Council colleagues that we try hard to view every issue through a racial equity lens. I have been through several racial equity trainings during the past two years myself and I want to compliment City Manager Tom Bonfield for initiating racial equity training

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for the City's entire senior management team, and I'm proud of the fact that 150 more City employees are getting racial equity training this year.

Tonight I want to talk about two new initiatives that we will be undertaking in the coming months that I believe will help affirm by our actions that Black Lives Matter in Durham.

First, we will be establishing a Joint City-County Committee on Confederate Monuments and Memorials. I grew up during segregation in Lynchburg, Virginia. I attended Robert E. Lee Junior High School. I often had my birthday parties on the battlefield at Appomattox, and over my brother's bed in the bedroom we shared was a picture of Stonewall Jackson falling at Chancellorsville. While my parents were the town's civil rights liberals, I was also steeped in the traditions of the Confederacy.

And yet you know, as I do, that the Confederate monuments across the South must come down. They are a public glorification of the defenders of slavery, and we cannot let that stand.

To that end, beginning in May, our Committee on Confederate Monuments will be charged with engaging the Durham community in an expansive and transparent public process regarding public monuments and other remnants of the Confederacy present in Durham. The Committee will propose to the County Commission a plan of disposition for the Confederate monument torn down outside the Old Courthouse as well as the base of that monument that remains. It will also propose to the City Council and County Commission a plan for the disposition of any other Confederate monuments and remnants that we have on public lands in our community.

As my City Council colleague Mark-Anthony Middleton has so eloquently expressed, the most damaging legacy of enslavement isn't the symbolism of statues. It is the ongoing effects of racial discrimination in the daily lives of our African-American citizens.

Many of inequalities that plague us here in Durham are the direct result of the long history of institutional and structural racism. It is important for us to learn to see the ways in which racism has shaped our institutions, and to begin the work that needs to be done to change and repair these lasting impacts. Racial equity work in cities like Baltimore, Seattle and Charlottesville has led to the implementation of scholarship programs for low-income residents, public art honoring local African-American history, and increased investment in housing, education, and youth initiatives.

Some of the work that needs to be done is internal to City government. I am proud that through our Human Resources department, the City of Durham has already been working with the Government Alliance on Racial Equity to begin critical conversations within the city government about structural racism and how to combat it.

Even more important than what happens in City government, however, is the need for our entire community to continue to face the daily realities of racial inequality and how we are going to change that.

To lift up and expand the work of community groups in this arena, our most important task is to engage with the community. To that end, I will be asking our city council in the next month to create the City's first Racial Equity Task Force to be chaired by our Mayor Pro Tem Jillian Johnson. Over the following 12 months, the Task Force will engage with the broader Durham community to learn more about the racially inequitable circumstances that exist in our city,

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research interventions and remedies, and make recommendations to the City Council for how to move forward. I know this work will serve us well.

Now I want to talk a moment about one of the most important areas of racial justice work—the kind of policing we do in Durham – and about the City’s significant efforts to apply a racial equity framework to our policing.

I want you to know that we are assertively recruiting African-American and Latinx officers to serve on the Durham police force;

That we are training every new recruit in racial equity, de-escalation and procedural justice—and training every veteran officer in racial equity as well;

That we are requiring written consent to any consent search of a home or car. Durham’s policy in this regard puts us in the national forefront of progressive policies on searches. In the past year, as a result, total searches of cars have fallen by 44% - which means hundreds of people, mostly African-American and Latinx youth, are being spared jail and criminal records.

In addition to these actions, I want to offer tonight my sincere thanks to Chief Cerelynn Davis for the reforms she has instituted in the Police Department—reforms that are aimed to build trust in the community, and especially in communities of color.

These include the expectation that drug possession and other small offenses by people under 21 will be referred to Durham’s Misdemeanor Court rather than criminalized, the Chief’s work with SONG to make sure that transgender youth are treated with respect by officers, and the patient, non-confrontational way in which the Department now deals with public demonstrations. Chief Davis, we thank you.

The work of the Police Department is very difficult. Last year in Durham, 244 people were shot with a gun. Not shot at. Actually shot. And 24 of these shootings resulted in a homicide.

Some of the most important police work is fighting violent crime, and some is providing the daily service to our community that I see every time I ride along with one of our officers on a Saturday night.

So tonight I want to recognize the outstanding work of two officers, and I’m going to ask Officer Erin Ellerman and Corporal J.J. Barazandeh to stand.

During our recent snow storm, Corporal Barazandeh was dispatched to a call on Dearborn Drive. The first person on the scene, he spotted two women – one in her 60s – clinging to the door jamb of a fully submerged car. The women were waist deep in the freezing water, waving their arms and calling for help.

Corporal Barazandeh jumped into the icy creek. He reached the car and guided both women to safety, saving their lives. And my favorite part of the story: Corporal Barazandeh then went back home, took a hot shower, and returned to duty. Thank you, sir, for your swift and sure actions.

Officer Erin Ellerman encountered a very different situation. On March 20 of last year, an unknown man entered a home on Burnette Street and shot a 51-year-old man and his 79-year-old mother, who later died of her wounds. The suspect stole the man’s car, and the next day

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officers spotted the stolen vehicle and attempted to stop it. The driver refused to stop, and Officer Ellerman took over as lead on the chase which went through Districts 1 and 2 before the escaping driver crashed into a tree and officers took the three occupants into custody before the car burst into flames. Officer Ellerman maintained her professional composure as she directed the chase and helped make the arrests at the chaotic scene that ensued.

Officer Ellerman, thank you for your courage and composure and for keeping our City safe.

So what, tonight, is the State of Our City? We are a welcoming city, a diverse city, and a prosperous city determined that our prosperity will be shared.

We know that 20% of our residents, mostly people of color, do not share in our prosperity, and we are committed to change that.

I want to thank Andre Pettigrew, the City's new director of the Office of Economic and Workforce Development, for offering me the term "shared prosperity" to describe the economy we want to build in Durham. Mr. Pettigrew and his staff are now in the process of developing a new economic development plan for Durham – one that will emphasize home-grown businesses and especially the inclusion and development of minority- and women-owned businesses in our economic activity. This will require a strategic refocusing of City resources, and it will require that City government take the lead. We must do this if we are serious about shared prosperity.

One way we can begin to share prosperity in Durham is to attack the issue of food insecurity. 50,000 people in Durham are food insecure. Of Durham Public Schools' 33,000 students, two-thirds of them are on free or reduced lunch. Recently, I have been meeting with representatives of some of the many wonderful organizations working on this issue, and in the coming months I will be issuing a call for a food security summit to flesh out an action plan and make it real. Durham needs a food security coordinator, and I will be working with the City Manager, the non-profits and representatives of County government to get this position funded.

Let's become known as the city where we eat in the best restaurants and do the best job of feeding all of our residents. Let's create an economy in Durham around food security and food justice.

To tell you about another way we can share prosperity in Durham, let me tell you about the work of our Innovation Team.

Last year, the City of Durham became one of 25 cities in the world to have received a grant from Bloomberg Philanthropies to create an "innovation team." This is quite an honor, as most other cities in this program – such as LA and Paris – have much larger populations.

The Innovation Team has prioritized the voices, stories, and experiences of residents in thinking creatively about its current focus area: how to increase economic opportunity for residents with criminal records. In its first six months, the Team has conducted in-depth interviews and focus groups with nearly 100 residents with criminal records, in addition to meeting with dozens of other service providers and individuals from the criminal justice system. If you are a resident with a criminal record struggling to find work or housing, I invite you stop by City Hall and visit with the Innovation Team in the city's new I-Lab.

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The expectation for the I-Team is that their work culminates, not in a series of recommendations, but rather in a list of promising and actionable initiatives that the City will prototype and test. Ideas that show positive results will be scaled and implemented through new public-private partnerships and City matching funds.

The recent Durham Driver Amnesty Program is one example of the kind of ideas we can expect to see more of from the I-Team. The initiative arose in quick response to stories from residents about the difficulty they had finding work due to a suspended or revoked license. The Team submitted a public data request to the DMV and learned that over 46,000 Durham County residents have a revoked or suspended license. To address this alarming problem, the team partnered with the District Attorney and community organizations to create an amnesty program to address some of the legal and financial barriers to getting their license back for people whose license had been revoked for more than 18 months for reasons not involving DUIs. To increase participation, the Team designed a novel application process that made it easy for residents to apply. They didn't need to take time off from work or stand in long lines at the courthouse. They could simply apply by text or email, and over 2,000 people did so during a two-week pilot.

I am happy to report the outcomes from this new approach: the District Attorney recently dismissed more than 2,000 old charges for more than 450 Durham residents. The team also identified over \$250,000 in fines and fees owed by more than 500 residents that they are working with community partners to address. It is a promising first step in this project and in our city's larger ambitions to advance shared prosperity.

I know that the action agenda I have spread before you tonight is an ambitious one. But if we are serious about sharing prosperity in Durham, we must take up this agenda.

We are a city known for our grit, our determination in the face of adversity, our comeback from economic decline and the flight of our manufacturing base. Our own history has much to teach us about the work we have to do now.

On April 10, 2019, Durham will celebrate its Sesquicentennial, 150 years after its establishment on land donated by Dr. Bartlett Durham for a railroad depot. Soon, with the advice of our City staff, we will be initiating a Sesquicentennial Task Force to guide us as we plan that celebration. This is our chance to face our history head on, the good and the bad, and to uplift and celebrate through story-telling and the arts those heroes in our past who we need to honor and memorialize. It's going to be awesome.

In anticipation of that year of celebrating our common history, tonight it is my honor to appoint Durham's first Public Historian. When this person left the city council recently, City Manager Bonfield lamented the loss of his valuable history lessons, and so we are officially bringing him back tonight in a new role. Eddie Davis, will you please stand.

Eddie has agreed to take on this one-year term as Durham's first public historian, and no one is better suited for this honor. In this role, Eddie has agreed to present mini history lessons at our City Council meetings once a month, and he will make himself available to civic organizations, scout troops, churches and others who might want some valuable lessons in Durham history.

Thank you, Council member Davis, for taking on this new civic task.

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Here, again, is the State of our City tonight: We are a welcoming, diverse and prosperous city determined that our prosperity be shared.

In order to make that shared prosperity a reality, everyone within the sound of my voice must pitch in. So I appeal to each of you to find your own way to advocate and serve. Serve on the board of your favorite non-profit, organize your neighborhood, take on a job in the PTA, write a blog on the issue you care about most, march in a protest, mentor a young person, fundraise for the cause closest to your heart, get your church involved in social action, register voters.

If you are a young person raising a family in Durham, I once again challenge you to do the thing that's going to make the most difference of all in the long run. Our kids need to go to school together. Send your kids to Durham public schools and get involved in our schools and fight for them.

In the two months that I have been mayor, people have come to me over and over with the same question: "How can I help?" That's how. Advocate and serve—find your own way to do that.

We can make shared prosperity a reality in the Bull City.  
TOGETHER, let's make the city we love a city for all.

Thank you.

#### **[COUNCIL MEETING RECESSED TO 8:03 PM]**

Mayor Schewel called the meeting back to order. At this time, he recognized Michael Reynolds, Cemetery Division employee, who Mayor Schewel referenced during the State of City Address.

#### **[CEREMONIAL ITEMS]**

Council Member Alston introduced and read into the record the proclamation for "Human Relations Month" and presented the proclamation to Diane Standaert, Chair of the Human Relations Commission.

Ms. Standaert thanked the Durham City Council for the proclamation and made the following remarks; The Durham Human Relations Commission was created in 1968 following a seven-month boycott of white businesses led by Durham's Black Solidarity Committee; the boycott sought 88 demands for the city to address racial inequality; currently, the Human Relations Commission is composed of 17 volunteers matching Durham's demographics and is charged to eradicate discrimination in any form to make Durham into a model community; fifty years later, it is clear that Durham needs the Fair Housing Act and the Human Relations Commission more than ever.

Ms. Standaert reflected back on the resolution unanimously approved by the Human Relations Commission in August 2017. She stated the Commission unequivocally affirmed that Black lives matter and affirmed their desire to welcome all people into Durham who have been the targets of oppression and discrimination in our community, such as, immigrants and refugees, people of the Jewish and Muslim faiths, and people regardless of their sexual orientation or

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gender identity. The Commission looks forward to continued work with the City and the community to ensure all citizens in Durham live out these promises together.

Ms. Standaert thanked the City Council for the proclamation.

Before reading the proclamation that proclaimed January 30th Fred Korematsu Day of Civil Liberties and the Constitution, Council Member Reece made the following statement:

“Thank you Mr. Mayor. I appreciate this opportunity to proclaim January 30th Fred Korematsu Day of Civil Liberties and the Constitution here in Durham – somewhat belatedly, due to our meeting schedule, but better late than never. I also want to thank Dr. Chiyoko Lord, a Director on the board of the Japan-America Society of North Carolina, for being here tonight to accept this proclamation, and to say a few words afterwards. But before I read the proclamation, I'd like to take this opportunity to speak for a bit on why this proclamation is so necessary right now.

Because as it was last year when we did the last proclamation for Fred Korematsu Day, this is still an especially appropriate time in our nation's history and our political life to honor the life of Fred Korematsu. Seventy-six years ago this month, during a time of geopolitical uncertainty abroad and nationalist paranoia here at home, the President of the United States signed an Executive Order that required the forcible separation of people based on their nationality and the nationality of their families. Even American citizens like Fred Korematsu were caught up in the sweep of this illegal and unconstitutional Executive Order – an Order that was sold to the American people by our government as necessary to protect our national security. Eventually a federal judge found that executive order to have been unlawful, and it's come to be known as one of the darkest periods in our nation's modern history.

Perhaps you're like me and you see disturbing historical parallels between that Executive Order seventy-six years ago and our current history today.

This proclamation is also important in the life of our city. In recent years, Durham has opened our hearts and our neighborhoods to thousands of refugees and immigrants. Nothing exemplifies our city's values more than our eagerness and happiness to welcome these new Durham residents into our gracious and loving city.

And finally, this proclamation is important to me on a very personal level. Over the last couple of years, some of you may have heard me say from time to time that I am a 10th generation North Carolinian. And that is true – on my father's side. On my mother's side, I'm a different story. My mother was just three months old when she and my grandmother immigrated to the United States from the nation of their birth -- the nation of Japan. As the son and grandson of Japanese immigrants, today's proclamation is deeply personal to me – as is the courage exemplified by its honoree, Fred Korematsu.

So again, Mr. Mayor, thank you for giving me this opportunity at this pivotal moment in our history to proclaim January 30th Fred Korematsu Day. I will now read the proclamation, and afterwards Dr. Lord will come up and say a few words.”

Council Member Reece read the proclamation and presented it to Dr. Chiyoko Lord, Director of Japan-America Society of North Carolina.

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Dr. Lord thanked the City Council and stated that she was honored to be invited to Durham to celebrate the Fred Korematsu Day of Civil Liberties and the Constitution. She then gave her personal views about Fred Korematsu Day. She was born and raised in Japan and immigrated to this country three decades ago. She has been a U.S. citizen for many years but will always be an immigrant. As an immigrant, she fears the current state of civil rights in the country. She wondered if another community will be treated like the Japanese American community in 1942.

Dr. Lord stated that she would like to believe that this country is much more than what is going on now because our country has a long history of eventually correcting the errors and injustices of the past. Fred Korematsu fought for the rights of Japanese-Americans. Even though it took 40 years, he succeeded. Mr. Korematsu's achievements included the Presidential Medal of Freedom by President Clinton and the first Asian-American to have a Day recognized in his name by the State of California and many other cities and states. She hopes that North Carolina will become one of those states in the future.

Dr. Lord expressed her hopes that the progress achieved in civil rights in our country will continually be based on the efforts and sacrifices made by people like Fred Korematsu. She then thanked the Council for inviting her and celebrating Fred Korematsu Day on behalf of the Japan-America Society of North Carolina.

#### **[ANNOUNCEMENTS BY COUNCIL]**

Council Member Middleton recognized the young scholars of Club Boulevard Elementary School at their Read-to-Read event. He, along with Council members Alston and Freeman, attended a reading that kicked-off Black History Month celebration at the school. Council Member Middleton had a very engaged group of 4<sup>th</sup> graders and read to them about the roll that children played in the 1963 Birmingham Civil Rights Movement; he challenged those students at Club Boulevard to change the world; thanked facility and staff for welcoming him and his colleagues to the school; and wished all residents a happy Black History Month!

Mayor Schewel recognized George Dicks, who served with him as co-president of E.K. Powe PTA around 1992. Mayor Schewel stated that he was inspired by Council Member Middleton's comments regarding working with the schools.

#### **[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND ACTING CITY CLERK]**

There were no priority items from the City Manager, City Attorney and Acting City Clerk.

#### **[CONSENT AGENDA]**

Mayor Schewel explained that the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda; and stated that if items were pulled, they would be discussed later in the meeting.



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Mayor Schewel read the Consent Agenda into the record and the following agenda item was pulled for further discussion: Item #13 – City Code and Fee Ordinance Revisions for Small Wireless Facilities.

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to approve the Consent Agenda as amended was approved at 8:21p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members: Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to approve the City Council minutes for the following meeting dates: October 5, 2017; November 9, 2017; November 20, 2017; November 21, 2017 and December 4, 2017 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD – APPOINTMENT**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to appoint Allison Blood to the Durham City-County Environmental Affairs Board representing Energy with the term to expire on June 1, 2018 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to appoint Carmen Nicole Williams to the Durham Planning Commission with the term to expire on June 30, 2020 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: 2017 MUNICIPAL PRIMARY ELECTION**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize payment in the amount of \$4,619.53 to the Wake County Board of Elections for the October 10, 2017 and November 7, 2017 Primary Elections held for a portion of the City of Durham that falls within Wake County was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

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**SUBJECT: CONTRACT WITH WSP, INC. FOR THE DEVELOPMENT OF THE US 15-501 CORRIDOR STUDY BETWEEN UNIVERSITY DRIVE IN DURHAM AND EPHEBUS CHURCH ROAD IN CHAPEL HILL**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize the City Manager to execute a contract with WSP, Inc. for the Corridor Study in an amount not to exceed \$399,991.00 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT SW-27 FAYETTEVILLE STREET SIDEWALK (TIP# SR-5001C)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt a resolution authorizing the City Manager to execute a contract for SW-27, Fayetteville Street Sidewalk and Roadway Repairs, with Lanier Construction Company, Inc. in the amount of \$292,702.00;

To establish a contingency fund in the amount of \$43,905.30; and

To authorize the City Manager to execute change orders to the contract such that the total Contract cost does not exceed \$336,607.30 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10073**

**SUBJECT: CONTRACT SW-27C, FAYETTEVILLE STREET SIDEWALK AND ROADWAY REPAIRS CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# SR-5001C)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize the City Manager to execute a Construction Administration and Inspections contract for SW-27C, Fayetteville Street Sidewalk and Roadway Repairs (TIP# SR-5001C) with A. Morton Thomas and Associates, Inc. in the amount not to exceed \$88,263.61 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT SW-34 AVONDALE SIDEWALK PROJECT (TIP# U-4726HM)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt a resolution authorizing the City Manager to execute a contract for SW-34, Avondale Sidewalk Project with Browe Construction Company in the amount of \$419,830.00;

To establish a contingency fund in the amount of \$41,983.00; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$461,813.00 was approved at 8:21 p.m.

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by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10074**

**SUBJECT: CONTRACT SW-34C, AVONDALE SIDEWALK CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# U-4726HM)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize the City Manager to execute a Construction Administration and Inspections contract for SW-34C, Avondale Sidewalk (TIP# U-4726HM) with AECOM Technical Services of North Carolina, Inc. in the amount not to exceed \$77,458.33 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT SW-35 CAMPUS WALK AND LASALLE SIDEWALK PROJECT (TIP# C-5178)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt a resolution authorizing the City Manager to execute a contract for SW-35, Campus Walk and LaSalle Sidewalk Project with Lanier Construction Company, Inc. of N.C. in the amount of \$226,051.15;

To establish a contingency fund in the amount of \$22,605.12; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$248,656.27 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10075**

**SUBJECT: CONTRACT SW-35C, CAMPUS WALK & LASALLE SIDEWALK CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# C-5178)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize the City Manager to execute a Construction Administration and Inspections contract for SW-35C, Campus Walk and LaSalle Sidewalk (TIP# C-5178) with SEPI Engineering & Construction, Inc. in the amount not to exceed \$66,234.34 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

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**SUBJECT: SUPPLEMENTAL AGREEMENT FOR NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CAMPUS WALK AND LASALLE SIDEWALK PROJECT (TIP# C-5178)**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to authorize the City Manager to execute a Supplemental Agreement with NCDOT to extend the completion time for Campus Walk and LaSalle Sidewalk Project (TIP Project: 46239.3.1 - C-5178, City Contract SW-35) to July 2021 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: ZONING MAP CHANGE – COPLEY FARM II**

Jacob Wiggins, of the City-County Planning Department, stated all Planning Department public hearings items listed on the agenda were notified and published in accordance to local and state law.

Mr. Wiggins gave the staff report on the Zoning Map Change - Copley Farm II; and stated that the request was for 30 acre site located at 3635 Freeman Road, east of Southern High School.

Mr. Wiggins detailed that the applicant was requesting to change the zoning of the subject site from Residential Rural to Planned Development Residential-3.997 (PDR 3.997); Key commitments on the development plan included maximum of 123 residential units; single-family, townhouse, or semi-attached units, 24% maximum impervious surfaces, site access points, building and parking envelope and project boundary buffers. The Durham Planning Commission recommended approval, 13-0, at the November 14, 2017 meeting.

Staff determined that the requests were consistent with the Comprehensive Plan and applicable to policies and ordinances.

Mayor Schewel opened the public hearing.

Council Member Freeman stated that the case was heard before the Planning Commission while she served as a member of that Commission. She acknowledged that the developer volunteered to hold a public hearing and was very cooperative and engaged with the community.

Mayor Schewel stated that there was a speaker to the item.

Robert Shunk of Stewart, Inc., representative for the developer, along with his partner, George Stanziale and Lennar Homes' representative Erica Letham, presented a PowerPoint entitled "City Council Hearing – Copley Farms – A Residential Community – February 5, 2018". Mr. Shunk provided some history of the land that was originally developed as a conservation subdivision in 2014; displayed maps and site data; indicated the developer intended to construct townhomes, which were not allowed in conservation subdivisions; the ground has been modified so that townhomes could be included; the developer requested zoning of 3.9 acre aggregated over the entire development; the overall density was 2.5 units per acre; zoning consisted of single family, townhomes and semi-attached units; townhomes were

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located away from adjacent offsite properties; and stated that road improvement were being provided as directed by City and NC Department of Transportation at the site.

Mr. Shunk continued by saying that the Planning Commission recommended approval – 13-0 vote and improved the design commitments regarding additional treatment to the front façade as was recommended by Planning Commissioner Miller; indicated the developer was providing the city with a sanitary sewer easement across the property to serve a new public school; proffered Durham Public Schools \$22,000; stated Lennar Homes would provide educational opportunities to Southern High School students in the trade programs to come to the site and witness how homes were being built; and the process would be handled by school staff.

Responding to Council Member Freeman’s question about the status to increase the amount of student funding, Mr. Shunk stated that no increase was in the plan. Mr. Shunk confirmed that the townhomes would cost beginning at \$200,000.00.

Responding to Mayor’s Schewel’s question about why townhomes were not allowed in conservation subdivisions, Mr. Wiggins explained the conservation density standard. Assistant Planning Director Sarah Young supported adding townhomes as a viable housing option in the conservation subdivision.

Mayor Schewel stated that adding townhomes to conservation subdivisions made sense; and asked the developer if he would be willing to dedicate funds to the City’s dedicated affordable housing fund and encouraged the developer to consider it.

Mayor Schewel closed the public hearing.

Council Member Freeman asked if the vote could be delayed.

Mayor Schewel stated that the public hearing had been closed.

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1700016, COPLEY FARM II

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

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That final action regarding text amendment Z1700016, Copley Farm, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated February 5, 2018, regarding the subject 'Copley Farm II' (Z1700016) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering a fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Consistency with Comprehensive Plan'; dated February 5, 2018, regarding the subject 'Copley Farm II' (Z1700016) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**ORDINANCE #15250**

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt an ordinance amending the Unified Development Ordinance by taking the property in zoning map change Case Z1700016 out of the Residential Rural (RR) zoning district and placing the same in and establishing the same as Planned Development Residential-3.997 (PDR 3.997) was approved at 8:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCE #15251**

**SUBJECT: CONSOLIDATED ANNEXATION ITEM – ANGIER AVENUE RESIDENTIAL**

Jamie Sunyak, City-County Planning, gave the staff report on the Consolidated Annexation – Angier Avenue Residential; she stated that requests for utility extension agreement, voluntary annexation and zoning map change had been received from Angier Development, LLC for four contiguous parcels totaling 19.960 acres; the subject site was located at 3838, 3844, 3846 and 3848 Angier Avenue; the annexation petition sought to bring three of the parcels into the existing City limits; one of the properties was in the City's jurisdiction; stated approval of the annexation petition would become effective on March 31, 2018 and the subject site was zoned Residential Suburban-20 and Planned Development 4.0.

Ms. Sunyak continued that the applicant was requesting a zoning designation of Planned Development Residential 3.958 which was consistent with the Low Density Residential (for Durham units per acre or less) designation on the Future Land Use Map of the City's Comprehensive Plan; explained the key commitments on the development plan associate with the request included a maximum of 78 single family units and roadway improvements to Angier Avenue; and stated Public Works and Water Management Departments determined that the existing City of Durham utility mains had the capacity for the proposed development; Budget and Management Services Department determined that the proposed annexation would

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become revenue positive immediately following annexation with additional information included in staff report.

The Durham Planning Commission recommended approval of the proposed Planned Development Residential zoning district by a vote of 13-1 on September 12, 2017.

The Planning staff determined that the requests were consistent with the Comprehensive Plan and applicable policies and ordinances.

Mayor Schewel opened the public hearing.

Council Member Freeman acknowledged the developer was very engaged with the community.

Mayor Schewel stated there were speakers to the item.

David Lazzo, the developer for Angier Avenue Residential, remarked that the residents at the public hearing were pleased.

Jeff Westmoreland, registered architecture with SEPI Engineering, introduced himself and stated that his firm worked with the applicant for the submittal.

Being no additional speakers to the item, Mayor Schewel declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt an ordinance annexing Angier Avenue Residential into the City of Durham effective March 31, 2018 and to authorize the City Manager to enter into a utility extension agreement with Angier Development, LLC was approved at 8:39 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

## **ORDINANCE #15252**

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 8:39 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members: Alston, Johnson, Middleton, Reece. Noes: None. Absent: None.

### **UNIFIED DEVELOPMENT ORDINANCE ZONING MAP CHANGE CONSISTENCY STATEMENT BY THE DURHAM CITY COUNCIL REGARDING Z1700009, ANGIER AVENUE RESIDENTIAL**

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

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NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1700009, Angier Avenue Residential, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable in the Public Interest' sections of the staff report and Attachment 9c, 'Consistency with Comprehensive Plan'; dated February 5, 2018, regarding the subject 'Angier Avenue Residential (case Z1700009) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 9c, 'Consistency with Comprehensive Plan'; dated February 5, 2018, regarding the subject 'Angier Avenue Residential (case Z1700009) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**ORDINANCE #15253**

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt an ordinance amending the Unified Development Ordinance to establish Planned Development Residential 3.958 (PDR 3.958) zoning for the subject site was approved at 8:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members: Alston, Caballero, Freeman, Middleton, Reece. Noes: None. Absent: None.

**ORDINANCE #15254**

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: CITY CODE AND FEE ORDINANCE REVISIONS FOR SMALL WIRELESS FACILITIES**

Mayor Schewel stated there was a speaker to the item.

Robert Doreauk, representing AT&T, commended City staff for their proactive work on the ordinance; stated that small cells were needed in the transition toward 5G technology in telecommunications; and requested a delay in Council's vote on the item to allow his organization to get feedback and recommendations to staff.

Mr. Doreauk stated that instead of a public conversation, he preferred that his conversation be held in private regarding discrepancies between the proposed ordinance revisions and HB-310 Small Cell Bill.

City Manager Bonfield reflected back to the Work Session presentation when staff recommended that the ordinance and regulations needed to be put in place, consistent with



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state law, due to there being service providers who were ready to move forward. City Manager Bonfield asked staff if that was still the status and what would happen if the ordinance was not in place.

Daniel Vallero, Civil Engineer with Public Works, stated the Department was currently receiving applications; stated a process was in place that does commute with state law but was not expressly designed as the state law; and summarized the City had provided an outlet where the code may be more restrictive upon first glance than state law.

Mr. Vallero confirmed the process was new and there would be an ongoing evaluation and learning process whereby the City may need to amend the ordinance in the future; however, he stated that he preferred to implement the ordinance and then amend it, as necessary.

Responding to concerns expressed by Mayor Schewel, City Attorney Baker stated that the ordinance was compliant with state law; and referred Council to Senior Assistant Attorney Don O'Toole who had worked with the State-wide initiative of HB-310 and had worked with the utilities.

City Attorney Baker stated he was surprised to hear that there were currently any discrepancies since other municipalities that had moved forward with their ordinances; explained that it was his understanding that this was about fees and whether or not AT&T was exempted from paying the fees that were included in HB-310; and he added that he had not spoken to AT&T representatives.

Mr. Doreauk stated that his concern was not about fees and that his organization was working with other municipalities prior to the ordinances being brought before their Councils.

Responding to Mayor Schewel's concerns, Mr. Vallero expressed that AT&T had the opportunity to make comments but the City did not personally seek them out but made drafts available; and he explained that Development Services Center was prepared to process permits along with applications in accordance to the new ordinance and North Carolina State law.

Council Member Middleton asked if there were other entities, besides AT&T, that were requesting a delay; stated that he did not understand why Council needed to delay action on the item nor a reason to do so; and asked for clarity regarding Mr. Doreauk's statement requesting a private conversation with staff.

City Attorney Baker stated he interpreted Mr. Doreauk's statement as wanting an off-line conversation with staff.

Council Member Freeman expressed concern regarding House Bill 130 that removed the City's ability to create a fee for the service that would be provided by the city; was concerned that AT&T was at the meeting asking for a delay and the City was feeling pressured by the State to act so quickly; acknowledged that if the State had not legislatively required this, it would not have been done; and reiterated that staff had already set up a process and was not inclined to delay the vote.

Mayor Schewel acknowledged the concerns of Council members Middleton and Freeman; supported a two-week delay with the admonition that the city had a process and that the item had been discussed at the Work Session; and explained it was important for the utility to be on

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the same timeline as the city; and confirmed his recommendation of pulling the item for two weeks.

Responding to Public Works Director Marvin Williams' question about the vote, Mayor Schewel stated that it would only be to continue the matter for two weeks, emphasizing that the item was not a public hearing.

**MOTION** by Council Member Middleton, seconded by Council Member Freeman, to adopt an Ordinance to amend Sections 62-50 and 62-55 of the Durham City Code of Ordinances;

To adopt an Ordinance to add Section 62-58 to the Durham City Code of Ordinances; and

To adopt an Ordinance to amend Section 13B-104 of the Fee Schedule was approved at 8:51 p.m. by the following vote: Ayes: Mayor Pro Tempore Johnson and Council Members Freeman, Middleton and Reece. Noes: Mayor Schewel and Council Members Alston and Caballero. None. Absent: None.

**ORDINANCES #15255 AND #15256**

City Manager Bonfield stated that staff was prepared to meet with AT&T regarding their concerns and would report back to Council of any recommendations for modification to the ordinance, if needed.

Mr. Doreauk stated that he would be in contact with Public Works Director Marvin Williams and Deputy City Manager Bo Ferguson.

There being no further business to come before the City Council, the meeting was adjourned at 8:52 p.m.

Tonette Amos  
Executive Assistant

Dianalynn Schreiber, CMC  
Acting City Clerk